



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Phil Berg
Phil Berg for US Senate
706 Ridge Pike
Lafayette Hill, PA 19444-1711

DEC 06 2000

RE: MUR 4993

Dear Mr. Berg:

On March 31, 2000, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on October 25, 2000. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff S. Jordan".

Jeff S. Jordan
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

MUR 4993

TOM FOLEY FOR US SENATE

Philip Berg alleged that Obermayer, Rebmann, Maxwell & Hippel LLP ("the firm") paid Thomas Foley to be a candidate rather than as an attorney, and allowed him use of office space for his campaign. Mr. Berg noted that if this is true, the firm made either excessive or corporate contributions to the Foley for Senate Campaign ("the Committee"). Mr. Berg also alleged that Foley's reports did not disclose sufficient operating expenses such as postage, rent, and phone payments.

Counsel Lawrence J. Tabas responded on behalf of Mr. *Foley*, the firm, and the Committee that Mr. Foley was paid by the firm for services performed and had a bona fide employment relationship with the firm. Any costs incurred by the firm for the Committee were promptly reimbursed and were reported.

This matter is less significant relative to other matters pending before the Commission.